

1 BUDSBERG LAW GROUP, PLLC  
2 P.O. Box 1489  
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The Honorable Paul B. Snyder  
Location: Tacoma, Washington  
Chapter 7  
**Hearing Date: May 16, 2013**  
**Hearing Time: 9:00am**  
**Response Date: May 9, 2013**

8 UNITED STATES BANKRUPTCY COURT  
9 WESTERN DISTRICT OF WASHINGTON

10 In re:  
11 3W ALLIANCE, LLC

12 Debtor.

Case No. 11-48937  
*Chapter 7*

13 NOTICE AND MOTION TO AUTHORIZE  
14 SALE OF PROPERTY FREE AND CLEAR OF  
15 LIENS, DETERMINATION OF SECURED  
16 CLAIMS, AND DISTRIBUTION OF SALE  
17 PROCEEDS AT CLOSING  
*(Clerk's Action Required)*

18 **NOTICE**

19 TO: The Clerk of the Court  
20 AND TO: Debtor(s) and Debtor(s)' Attorney  
21 AND TO: All Creditors and Parties-In-Interest  
22 AND TO: U. S. Trustee

23 PLEASE TAKE NOTICE that the Trustee has filed a Motion to Authorize Sale of  
24 Property Free and Clear of Liens, Determination of Secured Claims, Payment of Debtor's  
25 Exemption, and Distribution of Sale Proceeds at Closing for the property located at XXX E 37<sup>th</sup>  
26 St., Puyallup, WA (Tax Parcel #6955000372). Pursuant to 11 USC § 363(b), you and each of  
you are notified that unless objection is made, filed herein and served on the Trustee on or before  
May 9, 2013, Brian L. Budsberg, Trustee for the estate of the above-named Debtor(s), will  
proceed to sell the property according to the terms and conditions contained within the Motion.

27  
28 NOTICE AND MOTION TO AUTHORIZE SALE OF PROPERTY  
FREE AND CLEAR OF LIENS, DETERMINATION OF SECURED  
CLAIMS, AND DISTRIBUTION OF SALE PROCEEDS AT CLOSING - 1

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The Trustee will proceed to enter an order with this Court authorizing the sale of the property free and clear of liens, a determination of secured claims, and payment of Debtor's exemption funds, and a distribution of sale proceeds at closing at a hearing scheduled for May 16, 2013 at 9:00am, in the United States Bankruptcy Court, Room H, 1717 Pacific Avenue, Tacoma, Washington. Anyone having an objection to the Trustee's Motion must file a written objection with the Court and serve a copy on Trustee's counsel at the address indicated below, no later than May 9, 2013. Failure to file such written objection by the response date will allow movant to proceed with the sale of the property according to the Motion without further notice or hearing.

## MOTION

COMES NOW Brian L. Budsberg, Trustee for the estate of the above-named Debtor(s) and hereby moves the Court for an Order to Authorize Sale of Property Free and Clear of Liens, Determination of Secured Claims, and Distribution of Sale Proceeds at Closing of the estate's interest in real property of the estate located at XXX E 37<sup>th</sup> St., Puyallup, WA as follows:

1. Property Description. The Trustee proposes to sell real property commonly known as XXX E 37<sup>th</sup> St., Puyallup, WA (Tax Parcel #6955000372).
  2. Proposed Sale. The Trustee has entered into a purchase and sale agreement for the property with E W Paffenroth, LLC. A copy of the Agreement is attached as Exhibit A. Below is an abbreviated summary of the most significant terms of this agreement. Parties desiring to discern all terms of the agreement should review the agreement and should not rely on the summary.
    - a. The Trustee will sell the property to E W Paffenroth, LLC, for \$7,000.00.
    - b. The sale will be "as is" and "where is" without warranties of any kind. In making this purchase, buyer has satisfied

**NOTICE AND MOTION TO AUTHORIZE SALE OF PROPERTY  
FREE AND CLEAR OF LIENS, DETERMINATION OF SECURED  
CLAIMS, AND DISTRIBUTION OF SALE PROCEEDS AT CLOSING - 2**

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- himself as to the identity, nature, extent, and quality of the property being sold.
- c. Conveyance will be by Trustee's Quit Claim Deed.
  - d. Title will be transferred free and clear of all liens, interest and encumbrances.
  - e. The Agreement is non-contingent.
  - f. Closing is to occur by May 13, 2013.
  - g. The sale is conditioned upon Bankruptcy Court approval.

3. Sales and Marketing History. The Trustee was advised by a Realtor that the  
4 property was so small that it was effectively unmarketable as no one would be  
5 able to build on it. E W Paffenroth, LLC is the only purchaser the Trustee has had  
6 an offer from.

7. Sale Free and Clear. The sale pursuant to the agreement will be free and clear of  
8 all liens, interests and encumbrances pursuant to 11 U.S.C. § 363. Ordinary  
9 closing costs including, without limitation, real estate taxes, excise tax, escrow  
10 fees, and title insurance premiums. Thereafter, all liens, interests and  
11 encumbrances shall attach to the net proceeds in the order and priority in which  
12 they currently exist.

13. 5. Secured Claims. There are no known secured claims on the property.

14. 6. Value to the Estate. Below is Trustee's estimate of the proposed sale's value to  
15 the estate:

|                                   |                   |
|-----------------------------------|-------------------|
| Sales Price                       | \$7,000.00        |
| Less Closing Costs (2%est)        | \$140.00          |
| Less Property Taxes Due (maximum) | \$3,934.01        |
| <b>Estimated Net to Estate</b>    | <b>\$2,925.99</b> |

27 WHEREFORE, the Trustee asks the Court for an order (1) allowing the Trustee to sell  
28 the Property commonly described as XXX E 37<sup>th</sup> St., Puyallup, WA (Tax Parcel #6955000372)  
NOTICE AND MOTION TO AUTHORIZE SALE OF PROPERTY  
FREE AND CLEAR OF LIENS, DETERMINATION OF SECURED  
CLAIMS, AND DISTRIBUTION OF SALE PROCEEDS AT CLOSING - 3

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1 to E W Paffenroth, LLC for an agreed gross sales price of \$7,000.00 free and clear of all liens,  
2 interests and encumbrances pursuant to 11 U.S.C. § 363, (2) authorizing disbursement form the  
3 gross sale proceeds at closing for all closing costs including without limitation escrow fees, title  
4 insurance premiums, excise tax, all outstanding real property taxes and a determination that there  
5 are no other valid secured claims against the property and (4) authorizing the balance of the sale  
6 proceeds to be held by the Trustee as unencumbered funds of the estate.  
7

8 DATED this 18<sup>th</sup> day of April, 2013.  
9

10 BUDSBERG LAW GROUP, PLLC  
11

12 /s/Brian Budsberg  
13 Brian L. Budsberg, WSBA #11225  
14 Trustee

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28 NOTICE AND MOTION TO AUTHORIZE SALE OF PROPERTY  
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